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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,976	08/15/2006	Peter-Andre Redert	NL050010	8767

24737 7590 01/11/2011
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

PERROMAT, CARLOS

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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01/11/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/597,976	Applicant(s) REDERT ET AL.	
	Examiner Carlos Perromat	Art Unit 2628	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 December 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,2,4,5 and 7-17.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Kee M Tung/
Supervisory Patent Examiner, Art Unit 2628

/Carlos Perromat/
Examiner, Art Unit 2628

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant presents arguments at page 12 against Wilinski because allegedly Wilinski appears (emphasis) to teach against extracting depth information, justifying the position with a section in Wilinski in which Wilinski comments on the disadvantage of extracting depth information from video material in real time. First, the teaching in Wilinski pertains to real time depth information extraction, and cannot be applied to non-real time depth extraction. Second, Wilinski is explicitly aimed at generating a depth map, as can be seen in the title, abstract and claim 1. Third, Wilinski follows the cited statement by stating that the purpose in Wilinski is precisely to solve the cited problem. Finally, it is remarkable that the Applicant comments on what Wilinski appears to teach, since Wilinski has the same assignee and one inventor in common with the instant application. The Applicant follows the argument by arguing that Wilinski does not teach certain claim limitations which the Examiner explicitly indicated as absent in Wilinski, which is moot. With respect to Zheng, the Examiner is completely unclear on the Applicant's point, since it alleges deficiencies in Zheng with respect to limitations added to the claims within the instant amendment. The Examiner is unclear of which section of the argument pertains to the instant amended claims and which to the previous claims. The amendment is not entered, since it provides additional limitations regarding the transitions previously claimed that require further consideration. All arguments directed to the added limitations are moot. At any rate the argument appears directed to how Zheng does or does not meet limitations that are found as obvious not merely in view of Zheng, but in view of the plurality of references cited, and the Examiner considers that attacking Zheng as if Zheng was called upon for individually teaching the limitations is misguided. The Applicant appears to implicitly recognize this point at the end of page 15. The Examiner requests that the Applicant limits individual reference arguments to showing that the individual reference does not teach that which the Examiner explicitly attributes to it, and for limitations that the Examiner considers obvious over the plurality of references, to analyze what said plurality of references would or would not have made obvious. That Zheng or any other reference is cited in connection to a limitation does not mean, as the Applicant seems to contend, that the Examiner considers the limitation taught by that reference alone, and constitutes a piecemeal approach to argumentation by the Applicant. At page 17, the Applicant continues that approach with AAPA, alleging that it does not teach limitations that are allegedly missing from Zheng and Wilinski. Again the argument is inappropriate, for the reasons explained above. At page 18, the Applicant merely states that the combination of Wilinski, Zheng, AAPA and Wu does not teach a number of limitations in the claims, with no further argument. Copying the Examiner's argument, showing disagreement and then copying the claims with several portions underlined, of which some have been added within the instant amendment, without explaining why the combination does not teach the limitations is inappropriate, and merely shows the Applicant's disagreements with the Examiner's positions, which is duly noted, but not convincing. No further arguments are provided. The Examiner considers the Applicant's arguments moot and/or fully not convincing, and the Examiner maintains the rejection for all claims as they were presented before final rejection.